U.S: Pat. App. Ser. No. 09/913,482 Attorney Docket No. 10191/1897 Reply to Final Office Action of 1/30/2004

## **REMARKS**

Claims 33, 48 and 49 are canceled without prejudice, and therefore claims 22 to 32, 34 to 47 and 50 to 52 are now pending.

Applicant respectfully requests reconsideration of the present application in view of this amendment.

Applicant notes that the Office Action Summary still does not acknowledge the claim for foreign priority and does not indicate whether the priority document has been received. Applicants note, however, that the Notification of Acceptance of Application Under 35 U.S.C. § 371 and 37 C.F.R. § 1.494 or 1.495 mailed on December 13, 2001 indicates receipt of the priority document. Applicant respectfully requests that the Examiner acknowledge in the Office Action Summary the claim for foreign priority and acknowledge receipt of the priority document.

With respect to paragraph ten (10) of the Final Office Action, Applicant thanks the Examiner for indicating that claims 22 to 32, 44 to 47 and 50 to 52 are allowed.

With respect to paragraph eleven (11), Applicant thanks the Examiner for indicating that claims 34 to 42 contain allowable subject matter. Claims 34, 40 and 41 have been rewritten as independent claims so as to include the features of claim 33, which has been canceled without prejudice. Accordingly, claim 34, 40 and 41 and the dependent claims 35, 36 to 39 and 42 are allowable, and it is therefore respectfully requested that the objections be withdrawn.

With respect to paragraph two (2), claims 48 and 49 were rejected under the first paragraph of 35 U.S.C. § 112 as to the written description requirement. While the rejections may not be agreed with, to facilitate matters, claims 48 and 49 are canceled without prejudice.

With respect to paragraph four (4), claims 33 and 43 were rejected under 35 U.S.C. § 102(b) as anticipated by Kato et al., United States Patent No. 4,668,375 (the "Kato reference").

While the rejections may not be agreed with, as explained in the prior response, to facilitate matters, claim 33 has been canceled without prejudice. The dependency of claim 43 has been changed from that of canceled claim 33 to allowable claim 34, which does not raise

NY01 672694 v 1 9

any new issues, since claim 43 now depends from allowable claim 34 (instead of its rejected base claim 33)). Accordingly, claim 43 is allowable. It is therefore respectfully requested that the anticipation rejections of claims 33 and 43 be withdrawn.

In summary, it is respectfully submitted that all of claims 34 to 43 are allowable for the foregoing reasons -- like allowed claims 22 to 32, 44 to 47 and 50 to 52.

## **CONCLUSION**

In view of all of the above, it is believed that the objection and rejections have been obviated, and that claims 34 to 43 are allowable -- like allowed claims 22 to 32, 44 to 47 and 50 to 52. It is therefore respectfully requested that the objection and rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

Dated: 3/3

By:\_

Richard L. Mayer

(Reg. No. 22,490)

**KENYON & KENYON** 

One Broadway

New York, New York 10004

(212) 425-7200

10

**CUSTOMER NO. 26646**